

REMARKS

Claims

Claims 1–23 are pending. The claim identifiers recited herein are not to be construed that Applicants acquiesce to the pending restriction requirement. Should the restriction requirement be withdrawn, either partially or entirely, the status of the claims will be amended to reflect such changes.

Amendments

The claims have been amended to use language in accordance with conventional US practice and to correct obvious typographical errors.

Claim 11 has been converted into an independent claim.

It is respectfully submitted that the amendments do not recite new matter nor do they narrow the scope of the claims. Entry thereof is respectfully requested.

Use claims

Independent claim 11 and claims 20–23, which either directly or indirectly depend thereon, have been converted into US process claims. These amendments do not narrow the scope of the claims. The claims are directed to a method of using the molecules of the instant invention. The Examiner is respectfully requested to examine the claims on the merits.

Election

In response to the Restriction Requirement dated November 21, 2007, Applicants hereby elect, with traverse, Group I (claims 1-11).

In response to the election of species requirement, Applicants hereby elect, with traverse, the following species/nested species:

With respect to disorders (item 10), Applicants elect (c) conditions associated with abnormal gene expression.

With respect to cancers (item 11), Applicants elect colon and colorectal cancer.

The entirety of the restriction requirement is respectfully traversed.

The Patent Office is courteously requested to reconsider the Restriction Requirement, inasmuch as it is submitted that the entirety of the present claims possesses unity of invention

under 37 C.F.R. §1.499. The claims in the instant application involve related subject matter, for example, a method for determining whether a treatment of a disorder with an HDAC inhibitor is to be started/continued or not and classification scheme based thereon. All the claims would comprise overlapping subject matter and it would not be an undue burden on the Examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) See, M.P.E.P. §803. Accordingly, it is respectfully submitted that the restriction be withdrawn.

Although it is believed that a restriction of the original claims is not proper at all in the subject application as discussed above, Applicants respectfully submit that at a minimum, the restriction requirement should be modified to include Group III (claims 20–23), drawn to a method for classification of a tumor, because of overlapping subject matter between the two Groups. Inasmuch as both groups are directed to the use of antibody molecules and/or conjugates thereof, an expansion of the search should not impose additional burden. Therefore, a modification to the existing restriction requirement is respectfully requested.

No fees are believed to be due with this response; however, the Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

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